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OGC 64-1382

20 May 1964

MEMORANDUM FOR: Deputy Director of Central Intelligence

SUBJECT: The Invisible Government

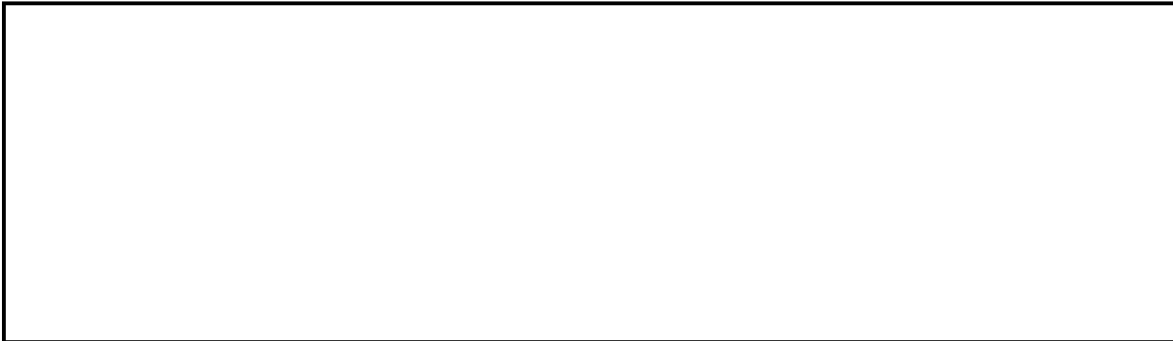
1. This memorandum is for information only.
2. The Department of Justice for some days has been studying the possibilities of legal action with respect to the publishing of The Invisible Government in its present form. Working with them we have evolved a theory under which it appears technically feasible to secure a temporary restraining order against the authors, the publishers, and other handlers of the manuscript. These discussions have been at the level of the Assistant Attorney General (Legal Counsel).
3. The basis of such order would be that the publishing of certain items in the book would be contrary to interests of the United States Government and an interference in its conduct of foreign relations. The Government's petition would necessarily refer in general terms to those items which the Government would assert should be deleted. This is a civil action rather than criminal. The relief sought by the Government would be deletions of the generally specified portions of the book or suitable changes. Probably such an order would include a provision that the Government reimburse the cost involved.
4. While the temporary restraining order would be issued immediately, a hearing would then be required on the issues involved. It is thought possible that where necessary such parts of those hearings as necessary could be held in camera. The general concept of this type of action is somewhat novel but there is Supreme Court case law to support it.

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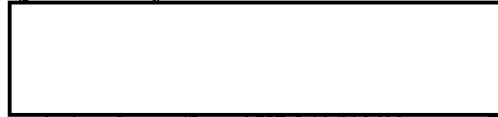
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6. In view of the complexity of the issues involved, I suggest that you might wish to meet with those principally involved in the Agency, such as DD/P, Mr. Kirkpatrick, Mr. Chretien, this Office, and others, to develop a recommendation for the Director's action. If the decision is to go ahead, there would be required a step by step examination of the details with Justice and ourselves. Since the readying of this book for publication is moving apace, the Agency will have to act as soon as possible.



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JOHN S. WARNER
Acting General Counsel

cc: Executive Director
DD/P
Office of Security
Assistant to the Director
for Public Affairs
Deputy to the Director
for National Intelligence
Programs Evaluation

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This was read and discussed with General Carter and Mr. Kirkpatrick and they urged it be brought up to DCI next morning. Done and Mr. McCone said he wanted to think about it.

JSW 5/21/64

For L R H

L R H
5/21/64

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